

should not narrowly define the word "usually." Nor should HCFA make unsupported determinations that a drug or biological is usually self-administered. In addition, HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered. HCFA should also continue to take into account the circumstances under which the drug or biological is being administered. For example, products that are administered in emergencies should be covered even though self-administration is the usual method of administration, in a non-emergency situation.

I believe that to implement Congressional intent on this provision, HCFA must promptly issue a memorandum to inform its contractors (e.g. carriers and intermediaries) of the change in the law.

I commend the efforts of the bipartisan sponsors of this provision for correctly clarifying the intent of the Medicare reimbursement coverage policy for injectable drugs and biologicals. This issue is of vital importance to thousands of our citizens that are afflicted with debilitating illness such as multiple sclerosis. As Congress and the nation continue to engage in a discussion on expanding prescription drug coverage under Medicare, this is an important step to provide our seniors and persons with disabilities with the life-saving prescription drugs and biologicals that they deserve. I look forward to continue working with the Administration and HCFA to ensure that our seniors and persons with disabilities receive coverage for injectable drugs and biologicals.

FAREWELL TO MANUS COONEY

Mr. HATCH. Mr. President, I would like to take just a moment to offer my public thanks and appreciation to the Judiciary Committee's chief counsel and staff director, Manus Cooney, for all his dedicated work over the last 7 years he has served on my staff, and for his exemplary 12-year career in the Senate.

Manus has been my right hand. I want to state that for the RECORD so that 10 years from now his daughters—Caitlin, Claire, and Tara—will know why their father was hardly ever home for dinner. Let me say to them that, without his tremendous efforts, we could not have accomplished half as much for our country.

Let me also say to my colleagues that I know Manus was tenacious. Senators and staff alike always took it seriously when Manus was on a mission. Believe me, I got as many orders and assignments as you did.

Seriously, though, it was amazing to me how Manus always kept the faith—he believed in what we were doing and never gave up.

I am going to miss him. He will be leaving my office at the end of the year

for a new, exciting opportunity to develop corporate strategy and to head Napster's new Washington office. He is the right guy for this job. He has the energy and the know-how to help Congress understand and connect with the complex and rapidly changing high-tech world. Manus is the kind of person who does not face the challenges of an unknown future with dread, but rather with enthusiasm.

So, as we close out this extraordinary 106th Congress, I hope my colleagues will join me in expressing appreciation to Manus for his loyalty and his tremendous contribution to the Senate and to public service. I wish him all the best in the future.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, I rise today to voice my strong support for the International Criminal Court, ICC. Like all Senators, indeed like all Americans, I understand the need to safeguard innocent human life in wartime, at the same time that we ensure that the rights of our military personnel are protected. The Rome Treaty establishing the International Criminal Court will achieve both those goals, and I urge President Clinton to sign the Treaty before the December 31 deadline.

The Treaty was approved overwhelmingly two years ago by a vote of 120 to 7. Since then, 117 nations have signed the Treaty—including every one of our NATO allies except Turkey, all of the European Union members, and Russia. Regrettably, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Only one of our democratic allies voted with us, and it is quite possible that we will end up as the only democratic country that is not a party to the Court.

During the last century, an estimated 170 million civilians were the victims of war crimes, crimes against humanity, and genocide. Despite this appalling carnage, the response from the international community has been, at best, sporadic, and at worst, nonexistent.

While there was progress immediately following World War II at Nuremberg and Tokyo, the Cold War saw the international community largely abdicate its responsibility and fail to bring to justice those responsible for unspeakable crimes, from Cambodia to Uganda to El Salvador.

In the 1990s, there was renewed progress. The U.N. Security Council established a tribunal at The Hague to prosecute genocide and other atrocities committed in the Former Yugoslavia. A second tribunal was formed in response to the horrific massacre of more than 800,000 people in Rwanda.

In addition, individual nations have increasingly taken action against those who have committed these crimes.

Spain pursued General Pinochet, and he may yet be prosecuted in Chile. The

Spanish Government has requested Mexico to extradite Richardo Miguel Cavallo, a former Argentine naval officer who served under the military junta, on charges that include the torture of Spanish citizens.

A number of human rights cases have also been heard in U.S. civil courts. In August, 2000, \$745 million was awarded to a group of refugees from the Balkans who accused Radovan Karadzic of conducting a campaign of genocide, rape, and torture in the early 1990s. Also that month, an organization representing Chinese students who are suing the Chinese Government for its brutality during the 1989 Tiananmen Square protests, successfully served papers on Li Peng, the former Chinese Premier, as part of an ongoing lawsuit.

They are important steps towards holding individuals accountable, deterring future atrocities, and strengthening peace. But the ICC would fill significant gaps in the existing patchwork of ad hoc tribunals and national courts. For example:

A permanent international court sends a clear signal that those who commit war crimes, crimes against humanity, and genocide will be brought to justice.

By eliminating the uncertainty and protracted negotiations that surround the creation of ad hoc tribunals, the Court will be more quickly available for investigations and justice will be achieved sooner.

International crimes tried in national courts can result in conflicting decisions and varying penalties. Moreover, sometimes governments take unilateral actions, even including kidnapping, to enforce prosecutorial and judicial decisions. The Court will help to avoid these problems.

The Court will act in accordance with fundamental standards of due process, allowing the accused to receive fairer trials than in many national courts.

In the past, when the international community established war crimes tribunals, the United States was at the forefront of those efforts. The performance of the U.S. delegation at Rome was no different. The U.S. ensured that the Court will serve our national interests by being a strong, effective institution and one that will not be prone to frivolous prosecutions.

Why then did the United States oppose the Treaty, despite getting almost everything it wanted in the negotiations? Many observers feel that it was because the Administration could not get iron-clad guarantees that no American servicemen and women would ever, under any circumstances, come before the Court. A related concern was that the Treaty empowers the Court to indict and prosecute the nationals of any country, even countries that are not party to the Treaty.

The legitimate concern about prosecutions of American soldiers by the Court, while not trivial, arises from a misunderstanding of the Court's role.